

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Nathaniel W. Smith, Jr.

Docket No. 5:14-MJ-1287

Petition for Action on Probation

COMES NOW Nikki Allen, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nathaniel W. Smith, Jr., who, upon an earlier plea of guilty to Driving While Impaired - Level 5 in violation of 18 U.S.C. § 13 assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on July 9, 2014, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his/her privilege to do so is restored in accordance with the law.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE
AS FOLLOWS:**

On July 25, 2014, Smith received a ticket from the Fayetteville Police Department for Speeding (14CR714755). Smith admits to driving his vehicle while running an errand. Smith has been verbally reprimanded for operating a motor vehicle, speeding, and for not informing the probation officer of this charge within 72 hours as required. It is requested that the defendant be ordered to serve two days in jail as a sanction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of two days, commencing as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt

Robert K. Britt
Senior U.S. Probation Officer

/s/ Nikki Allen

Nikki Allen
U.S. Probation Officer

Phone: (910) 483-8613
Executed On: August 12, 2014

ORDER OF COURT

Considered and ordered this 12th day of August, 2014, and ordered filed and made a part of the records in the above case.

Kimberly A. Swank
Kimberly A. Swank
U.S. Magistrate Judge